

REMARKS

The Office Action mailed November 28, 2009 noted that claims 1, 14, 15, 17-19 and 32-36 were pending, that claims 3-13 have been withdrawn from consideration, and rejected claims 1, 14, 15, 17-19 and 32-36. Claims 1, 14, 15, 17-19 and 32-34 have been amended, claims 35 and 36 and withdrawn claims 3-13 have been cancelled, and, thus, in view of the forgoing claims 1, 14, 15, 17-19 and 32-24 remain pending for reconsideration which is requested. No new matter has been added. The rejections are traversed below.

Page 2 of the Office Action rejects claims 1, 14, 15, 17-19 and 32-36 under 35 U.S.C. § 103 over Fuss and Nakai. Claims 15, 19 and 34 stand rejected over Fuss, Nakai and Katajamaki.

Nakai is cited by the Action for it's alleged "dividing an image into sub images according to tone or color data" (see Action page 2).

The Action also acknowledges "the goal of Fuss is to enhance both global and local contrast" (see Action page 2).

In contrast, claim 1 emphasizes that brightness or "lightness" is used computing the statistic amount a that, as in claim 14, is used for determining a correction parameter.

During the visual perception of an image, the eye is not always drawn to an area of a certain brightness or lightness. For example, in a photograph of a winter snow skiing scene, the photograph does not appear too bright. As a result, the brightness or lightness can be used for estimating a characteristic of an image and for correction.

Fuss and Nakai have not been shown to teach or suggest using lightness.

Katajamaki has not been shown to add anything to Fuss and Nakai with respect to the above discussed feature.

Withdrawal of the rejection of claim 1 is requested.

Claims 14, 15, 17, 19 and 32-34 also emphasize the use of lightness.

It is submitted that the claims distinguish over the prior art and withdrawal of the rejection is requested.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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